

REMARKS

Claims 1-6 and 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,072,662 to Utsunomiya in view of U.S. Publication No. 2003/0011934 to Kameyama. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Kameyama reference is disqualified as prior art in a §103 rejection under §103(c) because the Kameyama reference only qualifies as prior art under 35 U.S.C §102(e) and, at the time the invention was made, the subject matter of the Kameyama reference and the present invention were owned by the same entity or subject to an obligation of assignment to the same entity, as described more fully below. As discussed in MPEP § 706.02(l)(1), for applications such as this one which were filed on or after November 29, 1999, subject matter which was previously considered as prior art under former 35 U.S.C. §103 via 35 U.S.C. § 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time that the invention was made, owned by the same person or entity or subject to an assignment to the same person or entity.

In the instant case, Applicant respectfully submits that both the present application and the Kameyama reference are now, and previously were at the time that the claimed invention was made, commonly owned by the same entity, Fujitsu Limited. The Kameyama reference has been assigned to Fujitsu Limited since June 6, 2002, as evidenced in the Assignment Records on Reel 013271, Frame 0885. The present application, Serial No. 10/706,626, is also assigned to Fujitsu Limited, and has

been assigned to Fujitsu Limited since September 30, 2002, as evidenced in the Assignment Records on Reel 014701 and Frame 0495.

Accordingly, as a statement and evidence establishing common ownership has been provided, Applicant respectfully requests that the Kameyama reference be withdrawn as valid § 103 prior art. *See* MPEP §706.02(I)(2)(II). Since the Kameyama reference should be withdrawn as prior art, Applicants respectfully submit that the § 103 rejection of Claims 1-6 and 11-16 under Utsunomiya in view of Kameyama should be withdrawn.

Claims 7-10 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Utsunomiya and Kameyama, and further in view of U.S. Patent No. 6,801,399 to Nakano. Applicant respectfully traverses this rejection.

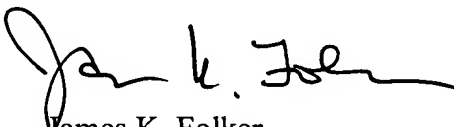
Applicant respectfully requests the withdrawal of this rejection of Claims 7-10 and 17-20 because the Kameyama reference should be disqualified as prior art under §103(c), as mentioned above.

Finally, Applicant has also added new dependent Claims 21 and 22. Applicant respectfully submits that new Claims 21 and 22 are allowable for at least the reasons discussed above with regard to associated independent Claims 1 and 11. Further, Applicant also respectfully submits that new Claims 21 and 22 should be allowed because the cited references fail to disclose or suggest, *inter alia*, the claimed disk facing surface in which “surfaces on both of said sides of the disk-facing surface are parallel to the airflow.”

For all of the foregoing reasons, Applicant submits that this Application, including Claims 1-22, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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April 25, 2008

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